

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JAMES EVERETT SHELTON, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

LUMICO LIFE INSURANCE COMPANY,
and ASSURANCE IQ, LLC,

Defendants.

Civil Action No. 7:19-cv-06494-NSR

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 7/7/2021

STIPULATION TO TRANSFER CASE TO THE EASTERN DISTRICT OF PENNSYLVANIA

Now come the parties James Everett Shelton ("Plaintiff"), Lumico Life Insurance Company ("Lumico"), and Assurance IQ, LLC ("Assurance") (together referred to as "the Parties") and hereby stipulate as follows:

1. Assurance has served a motion to transfer this action to the Eastern District of Pennsylvania.
2. The Parties agree that this case arises from telephone calls the Plaintiff received in the Eastern District of Pennsylvania.
3. The Parties agree that Plaintiff could have brought this case initially in the Eastern District of Pennsylvania and that transfer would promote the convenience of parties and witnesses and would be in the interests of justice.
4. The Parties agree that the Eastern District of Pennsylvania may exercise personal jurisdiction over the Parties with respect to Plaintiff's claims in this action and that venue is proper in the Eastern District of Pennsylvania.

5. Accordingly, the Parties stipulate to the entry of an order transferring this action to the Eastern District of Pennsylvania.

6. The Parties further agree that Assurance's Motion to Stay requesting this Court to stay this action is now moot, but nothing herein precludes Assurance from filing an identical or similar motion to stay in the Eastern District of Pennsylvania.

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ORDER TRANSFERRING CASE TO THE EASTERN DISTRICT OF PENNSYLVANIA

Defendant Assurance IQ, LLC has served a motion to transfer this action to the Eastern District of Pennsylvania. Subsequently, the parties have filed a stipulation agreeing to the transfer. Based on the parties stipulation, that Court finds pursuant to 28 U.S.C. § 1404 that (1) this case arises from telephone calls Plaintiff received in the Eastern District of Pennsylvania; (2) Plaintiff could have brought this case initially in the Eastern District of Pennsylvania; (3) the parties have consented to transfer to the Eastern District of Pennsylvania; and (4) transfer will promote the convenience of parties and witnesses be in the interests of justice. ·

Given this order, all pending motions are denied as moot.

SO ORDERED.

Date: July 7, 2021



The Honorable Nelson S. Román
United States District Judge